

June 30, 2006

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: MB Docket No. 03-15
Burlington Television Acquisition Corp. (FRN 0001833516)
Station KGCW-TV (formerly KGWB-TV), Burlington, Iowa
(Facility ID No. 7841)
Request for Waiver of July 1, 2006 Maximization Deadline

Dear Ms. Dortch:

This letter is submitted on behalf of Burlington Television Acquisition Corp. ("Burlington"), licensee of KGCW-TV, Channel 26, and permittee of KGCW-DT, Channel 41, in Burlington, Iowa, pursuant to the procedures established in the Commission's June 14, 2006, *Public Notice*, DA 06-1255.¹ By this letter, Burlington requests a waiver of the July 1, 2006 "use-it-or-lose-it" maximization deadline ("Maximization Deadline") established in the Commission's September 7, 2004 *Report and Order* in MB Docket No. 03-15.²

BACKGROUND

KGCW-DT was assigned Channel 41 in the Table of Allotments established by the Commission in Section 73.622(b) of its rules, 47 C.F.R. § 73.622(b). Burlington applied for and was granted a construction permit for KGCW-DT for maximized facilities with a maximum effective radiated power ("ERP") of 500 kW at an antenna height above average terrain ("HAAT") of 388 meters.³ Pursuant to a grant of special temporary authority ("STA") subsequently renewed several times, the Commission has authorized KGCW-DT to operate at

¹ The call letters changed from KGWB-TV and KGWB-DT to KGCW-TV and KGCW-DT, respectively, effective June 30, 2006.

² *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, FCC 04-192, 19 FCC Rcd 18279 (2004) ("Report and Order").

³ See CDBS File No. BPCDT-19991028AFB.

reduced power. The initial DTV STA was granted July 23, 2003.⁴ The most recent application to renew the STA was granted May 2, 2006 for a period expiring July 1, 2006, which coincides with the Maximization Deadline.⁵

On November 4, 2004, Burlington filed FCC Form 381 stating that its intent was to operate KGCW-DT post-transition at maximized facilities, as authorized by construction permit BPCDT-19991028AFB. By public notice issued June 23, 2005, DA 05-1743, the Media Bureau announced that KGCW-DT tentatively was granted Channel 41 as its post-transition digital channel.

DISCUSSION

Burlington, the permittee of KGCW-DT, is part of the same corporate family as the licensees of KLJB-TV, Davenport, Iowa, and WZDX (TV) Huntsville, Alabama. Each of these stations certified to maximize its digital facilities. Because both KLJB-TV and WZDX(TV) are in the top 100 markets and are affiliated with a top 4 network, they were subject to a July 1, 2005 Maximization Deadline. While each station required a brief extension of time, each has built out its maximized digital facilities. KGCW-DT shares with its sister stations the commitment to build out its authorized DTV facilities.

Burlington, however, requires an extension of time to build out its digital facilities and requests a waiver of the July 1, 2006 Maximization Deadline. KGCW-DT's current STA facility is co-located with KGCW-TV's analog facility. KGCW-DT's maximization facility, however, is at a new site and requires construction of a new tower. The tower will be 1,417 feet tall and will require three guy wires for stabilization. Thus, construction of the KGCW-DT maximization facilities is a very substantial project requiring extensive planning and site work.

Specifically, a guyed structure of this height requires not only a large tract of land but also a significant staging area at the site. The site is a parcel of unimproved farm land located in Mercer County, Illinois. The terrain is not flat and is currently impassable for the large vehicles needed for significant construction projects. Accordingly, Burlington is required to build a new road from the nearest access point on the county highway to the actual tower location. Additionally, the tower location must be cleared and leveled, and additional roads must be constructed along each of the three guy wire paths. Burlington's engineering consultant has completed design of the road system, bids have been let to contractors, and bids have been received and are under review. In March 2006 Burlington was advised by its local attorney that no special local permits were required to build the tower at the site.

Due to the unimproved nature of the site, there is no pre-existing AC power to the tower location, and a contract with the local utility to bring power to the "last mile" is under review.

⁴ See CDBS File No. BDSTA-20030630ADV.

⁵ See CDBS File No. BEDSTA-20060410AEY. By separate filing, Burlington has applied to renew the STA beyond July 1, 2006.

Following road construction and the installation of AC power, the tower foundations and anchors can be poured, and the tower erected. Erection of the tower typically takes 10 to 12 weeks, depending on weather. Additionally, a building must be constructed to house the transmitter and associated equipment. The transmitter (Axcera HP25SDW single tube IOT), antenna (Dielectric ATW20H4), and transmission line (Dielectric MAC675B) already have been selected; and a contract was signed in July 2005.

In sum, although significant progress has been made on this complicated construction project, additional steps and time are required to complete build out of the KGCW-DT maximized facility.

CONCLUSION

The grant of a waiver will allow KGCW-DT to retain interference protection for the maximization facilities that Burlington is constructing. Burlington submits that the public interest would be served by such a grant.

Please contact Burlington's undersigned attorneys if you have any questions.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

By: /s/
Kenneth E. Satten
Timothy J. Cooney

cc: Shaun Maher, via e-mail